

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket № 14278US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,467

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR
PERSONAL CHANNEL
PROGRAMMING IN A MEDIA
EXCHANGE NETWORK

Examiner: Patrick A. Ryan

Group Art Unit: 2623

Confirmation No. 5573

***Electronically Filed on
February 10, 2009***

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Paper responds to the Examiner's Answer mailed December 16, 2008. The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-31 of the present application for at least the reasons set forth in the Appeal Brief and this Reply Brief.

REMARKS

As an initial matter, the Applicants note that the arguments in the Examiner's Answer are essentially the same as those in the Final Office Action. *Compare* Examiner's Answer at pages 3-13 *with* April 10, 2008 Office Action at pages 9-14 and 3-6. The Applicants address these arguments in the Appeal Brief at pages 6-12.

The Applicants maintain that neither the Examiner's Answer, nor the Office Action, have shown that Novak describes, teaches or suggests **pushing a customized media channel** from a first geographic location to a second geographic location, as recited in the pending claims. Thus, a *prima facie* case of anticipation with respect to claims 1-7, 9-17, 19-27 and 30-31 or a *prima facie* case of obviousness with respect to claims 8, 18 and 28 have not been established.

I. Novak Does Not Anticipate Claims 1-7, 9-17, 19-27 And 30-31

The Applicants reiterate that claims 1, 11 and 21 recite, in part, "wherein said media **channel**," as opposed to merely a media object, "may be **pushed** from said first geographic location to a second geographic location."

As explained in the Appeal Brief, Novak discloses that **video clips**, as opposed to a media **channel**, are uploaded to a web site by an upload source. *See* Appeal Brief at pages 9-10.

The Examiner's Answer relies on Novak at "Figure 11, as described in Paragraphs [0078]-[0080] and with further reference to Paragraph [0075] describing operations of 'second location' STB 152." *See* Examiner's Answer at page 10. The Appeal Brief specifically addresses Novak's "STB 152" in relation to these cited portions of Novak and explains that neither STB 152, nor the remainder of Novak, describes,

teaches or suggests a “media channel,” as opposed to merely a media object, “**pushed** from said first geographic location to a second geographic location.” See Appeal Brief at pages 10-11.

Moreover, the Examiner’s Answer seemingly relies on “STB 152” as being at first **and** second geographic locations. See Examiner’s Answer at page 3-4 (“using STB 152 executing the method of Figure 11 as described in Paragraph 0078-0080” **and** “describing operation of ‘second location’ STB 152,” thereby seemingly citing “STB 152” as a device that pushes media to itself). See *also* Appeal Brief at pages 7-11. The Examiner’s Answer still does not explain where and how Novak discloses pushing a communication channel, which includes personal and/or broadcast media, from a first geographic location (where the STB 152 is) to a second location. While the Examiner’s Answer seems to conveniently cite the STB 152 at the first location in one instance, and then at a second geographic location at another instance, the STB 152 is not in two places at one time.

More particularly, the concept of pushing comprises transfer or communication of media or content from a first device to one or more other devices. In other words, for pushing, media or content is transferred or communicated from the first device to one or more other devices and not from the first device to the first device. Although the concept of pushing does not limit the location of the first and/or the one or more other devices (local or remote), the claims specifically state that the media channel is pushed from a first geographic location to a second geographic location. Thus, for at least this reason, the Applicants respectfully request reconsideration of the claim rejections.

Additionally, with regard to the “synthetic channel” capability described in [0069] of Novak, the Applicants point out that Novak’s “synthetic channel” acts just like regular television programming – **an end user may tune to the programs in the channel and view them like regular television programming.** In other words, Novak discloses that the “synthetic channels” are simply broadcast as normal channels are broadcast, **but not that one user pushes the synthetic channel to another user at a separate and distinct location.** See Appeal Brief at page 11.

The Examiner’s Answer also notes that “Novak describes that **media**,” but not the entire channel itself, “**within a synthetic channel**, such as ‘Joe’s TV Channel’ 908 of Figure 9, ‘can be scheduled for replay or repeat...” and “[t]he replay can be scheduled explicitly by the individual, or done automatically by software of the Interface 702’.” See Examiner’s Answer at page 11. Again, though, even the Examiner’s Answer seems to note that only particular media objects from that channel, as opposed to the channel itself, are being scheduled for replay or repeat. The claims are clear, however, that a “media **channel**,” as opposed to merely a media object, “may be **pushed** from said first geographic location to a second geographic location.”

Additionally, the Examiner’s Answer cites Novak at Paragraph [0064] in an attempt to bolster its argument. However, reliance on this portion undermines the Examiner’s position that Novak discloses “pushing” media. In particular, this portion of Novak clearly and unequivocally states that the “end users can tune to the uploaded media program(s) accessible via this channel....” See Examiner’s Answer at page 11. Uploading media to a location is clearly a “pull” as opposed to a push. Novak does not describe, teach or suggest that anything is pushed to an end user. See Appeal Brief at

pages 10-11. Instead, the end user simply tunes in to view the uploaded media object that is being broadcast on “Joe’s TV channel.” Novak does not describe, teach or suggest that “Joe” pushes his channel to anyone. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the claim rejection.

As explained in the Appeal Brief and above, Novak does not describe, teach or suggest at least “wherein said media channel may be pushed from said first geographic location to a second geographic location,” as recited in independent claims 1, 11 and 21. Thus, for at least these reasons, the Applicants respectfully submit that Novak does not anticipate claims 1-7, 9-17, 19-27, and 29-31.

For at least the reasons set forth in the Appeal Brief and above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-31.

The Commissioner is authorized to charge any necessary fees, or credit overpayment to Deposit Account 13-0017.

Respectfully submitted,

Dated: February 10, 2009

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326
McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000